

HONOURABLE SRI JUSTICE GOPALAKRISHNA TAMADA.

WRIT PETITION NO:33318 OF 1998

Dated: 21-03-2007

Between

Sri Ranganathaswamivari Temple, Nellore,

Rep., by its Managing Trustee Gutha Tirupal Naidu.

..Petitioner

and

1. Government of Andhra Pradesh, rep., by its

Principal Secretary, Revenue (Endowments) Dept.,

Secretariat, Hyderabad and others.

...Respondents

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ORDER:

The petitioner, which is a Temple represented by its Managing Trustee has approached this Court and filed the present writ petition seeking a direction to declare the action of the respondents-1, 3 and 4 in dispossessing the petitioner temple from Ac.7.42 cents of land in S.No:378, Moolapet, Nellore town for the purpose of providing house sites to Weaker sections during December, 1994 and further action of the respondents in not initiating any proceedings under the provisions of the Land Acquisition Act and paying the compensation to the petitioner temple for the land, as illegal and to direct the respondents to take steps forthwith for payment of compensation to the petitioner temple by initiating the proceedings under the provisions of the Land Acquisition Act.

The brief facts, which led to the filing of the present writ petition are that one Gutha Thirupalnaidu, representing the temple was appointed as the Managing Trustee of the Board of Trustees of the temple on 12.12.1997. The temple was constructed during 12th century by the Pallava Dynasty. The temple is one of the ancient temples and is a popular pilgrim center in South India. Besides other lands, the temple is the owner of Ac.7.42 cents of wet land in S.No:378 situated in Moolapet in Nellore town. But, without initiating any proceedings or any notification under section 4 (1) of the Land

Acquisition Act, the Government has acquired the said lands for the purpose of house sites to the Weaker sections. Therefore, the action of the respondents is illegal and arbitrary.

In spite of the service of the notices, the respondents have not chosen to file any counter.

The fact that the lands in question belonging to the temple have been taken by the Government without initiating any proceedings under the provisions of the Land Acquisition Act and without payment of any compensation to the temple, has not been controverted by way of filing any counter.

In the present facts and circumstances of the case, without expressing any opinion on the merits of the case, I feel it just and proper to direct the respondents to follow due process of law in regard to the taking over possession of the lands in question, if not already done and pay the compensation in case the petitioner-temple is found to be entitled for the same. This exercise shall be completed as expeditiously as possible.

Subject to the above direction, this writ petition is disposed of.
No order as to costs.

(Justice Gopalakrishna Tamada)

21st MARCH, 2007

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